

Serial No. 10/512,144
Docket No. NEC03P013-Sib

REMARKS

Entry of this Amendment is proper because it narrows the issues on appeal and does not require further search by the Examiner.

Claims 1-13 are pending in this Application. Applicant has editorially amended claims 2, 4, 6-9, and 13. No new matter is added.

Applicant requests that the finality of the rejection of the latest Office Action be rescinded as premature, since the Examiner has failed to provide a complete response to Applicant's traversal, as required in MPEP § 707.07(f) (e.g., see Amendment filed on June 26, 2008 at page 10, line 27 – page 11, line 3; page 12, lines 6-11; page 12, lines 12-16, and Office Action at pages 2-4).

Claims 1-4, and 6-8 stand rejected under 35 U.S.C. §102(b) as being anticipated by Larson et al. (US 2003/0026229, and hereinafter "Larson"). Claims 5, 9-13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Larson in view of Hamilton et al. (US 2002/0176378, and hereinafter "Hamilton").

Applicant respectfully traverses these rejections in the following discussion.

I. THE CLAIMED INVENTION

The claimed invention (e.g., as defined by exemplary claim 1) is directed to a mobile communication network system.

The mobile communication network system includes a mobile communication network, a plurality of external networks, a plurality of mobile terminals, a plurality of gateways for connecting the external networks and the mobile communication network, and a plurality of radio access points for connecting the mobile terminals to the mobile communication network. When packets are transmitted and received between the mobile terminals, the packets are communicated by way of virtual networks that are provided to correspond to each of the external networks on the mobile communication network.

In a conventional mobile communication network system, as described in the Background of the present Application, tunnels are set between mobile terminals and the gateways with external networks, and all communication is realized by way of these tunnels. When communication is implemented between mobile terminals, packets transmitted by the

Serial No. 10/512,144
Docket No. NEC03P013-Sib

mobile terminals are transmitted to the gateways with the external networks by way of the tunnels, and then again returned to the mobile terminals of the communication partners from the gateways with the external networks by way of the tunnels (e.g., see Application at page 2, lines 6-12).

As a result this process, the technology of the conventional mobile communication network system suffers from problems like considerable delay of the packets and poor efficiency of circuit use due to wasted bandwidth within the mobile communication network (e.g., see Application at page 2, lines 13-15).

The claimed invention, however, provides a mobile communication network system includes a plurality of external networks and a plurality of gateways for connecting the external networks and a mobile communication network, wherein when packets are transmitted and received between the mobile terminals, the packets are communicated by way of virtual networks that are provided to correspond to each of the external networks on the mobile communication network (e.g., see Application at page 4, line 21 – page 5, line 4).

As a result of this arrangement, packets no longer need to be transferred by way of external network gateways, and the efficiency of circuit use of the access network is improved (e.g., see Application at page 5, lines 18-20).

II. THE PRIOR ART REJECTIONS

A. The 102(b) Larson reference rejection

The Examiner alleges that Larson teaches claims 1-4 and 6-8. Applicant respectfully submits, however, that the alleged reference does not teach or suggest each and every feature of the claimed invention.

That is, Larson does not teach or suggest, “a plurality of external networks; a plurality of mobile terminals; a plurality of gateways for connecting said external networks and said mobile communication network, and a plurality of radio access points for connecting said mobile terminals to said mobile communication network, wherein, when packets are transmitted and received between said mobile terminals, the packets are communicated by way of virtual networks that are provided to correspond to each of said external networks on said mobile communication network,” (emphasis added by Applicant) as recited in claim 1, and similarly recited in claims 2 and 6.

The Examiner alleges that Larson teaches the claimed mobile communication network

Serial No. 10/512,144
Docket No. NEC03P013-Sib

system. Specifically, the Examiner attempts to analogize a public switched telephone network (PSTN) 20 in Larson to the claimed plurality of external networks (e.g., see Office Action at page 5, section 3, line 5). The Examiner, however, is clearly incorrect.

Indeed, Larson teaches that its mobile communication network system includes only one external network (PSTN 20) that is connected to the public mobile communication system 10 (paragraph 14; Fig. 1). This is different from, and fails to teach or suggest, a plurality of external networks, a plurality of gateways for connecting the external networks and the mobile communication network, wherein the packets are communicated by way of virtual networks that are provided to correspond to each of said external networks on the mobile communication network, as defined in the claimed invention. The teachings of Larson do not met the plain language of the claimed invention and do not result in the present invention's outcome that eliminates the need to transfer the packets by way of external network gateways (e.g., see Application at page 5, lines 18-20).

Furthermore, Applicant submits that the Examiner's rejection regarding feature "a plurality of external networks" cited in claims 1, 2, and 6 in unclear.

The Examiner first attempts to analogize a public switched telephone network (PSTN) 20 in Larson to the claimed plurality of external networks (e.g., see Office Action at page 5, section 3, line 5). Then, in response to the Applicant's argument, the Examiner erroneously tries to equate radio access networks 200, 300, and 400 of Larson to the claimed plurality of external networks (e.g., see Office Action at page 2, section 1, lines 13-14).

Indeed, the Examiner appears to have confused the radio access points and plurality of external networks of the claimed invention. The Examiner attempts to equate the radio access networks 200, 300, and 400 of Larson to the claimed plurality of radio access points (see Office Action at page 3, lines 4-7; page 5, section 1, lines 8-10). Then, the Examiner erroneously attempts to equate radio access networks 200, 300, and 400 of Larson to the claimed plurality of external networks (e.g., see Office Action at page 2, section 1, lines 13-14). It is not clear whether radio access networks 200, 300, and 400 of Larson are allegedly analogized to the claimed plurality of radio access points or the claimed plurality of external networks. Therefore, Applicant respectfully submits that the Examiner's response to the Applicant argument filed on June 26, 2008 (not October 22, 2004, as erroneously cited by the Examiner on page 2, line 5 of the Office Action) is unclear.

Furthermore, Applicant submits that Larson fails to teach or suggest, "the packets are

Serial No. 10/512,144
Docket No. NEC03P013-Sib

communicated by way of virtual networks that are provided to correspond to each of said external networks on said mobile communication network,” (emphasis added by Applicant) as recited in claim 1, and similarly recited in claims 2 and 6.

Larson teaches that the private radio network (PWOS) 500 is connected to the mobile communication core network 100 using a virtual line of IP tunnel. Virtual lines are provided for every PWOS, and Larson teaches only one PSTN 20 external network (Fig. 1).

In contrast, in the claimed invention, virtual lines are provided for a plurality of external networks that are connected to a mobile communication network, as recited in claim 1, as similarly recited in claims 2 and 6. Therefore, if mobile terminals transmit/receive packets each to/from other mobile terminals, the communications are not performed through a single external network. Therefore, Larson fails to teach or suggest the claimed invention of claims 1, 2, and 6.

Indeed, the Examiner has failed to respond to the Applicant’s argument presented on page 10, line 27 – page 11, line 3 of the Amended filed on June 26, 2008, regarding the lack of teachings of the above-mentioned feature in Larson (see Office Action at pages 2-4). Accordingly, Applicant respectfully submits that the Examiner’s response is incomplete.

Indeed, Larson has a different structure and is for a different purpose compared to the claimed system, and has many of the same deficiencies of the conventional systems, as described in the Background of the present Application.

Therefore, the Applicant respectfully submits that Larson fails to teach or suggest each element of Applicant’s claimed invention. Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw this rejection.

B. The 103(a) Larson and Hamilton reference rejection

In rejecting claims 5 and 9-13, the Examiner alleges that one of ordinary skill in the art would have combined Larson with Hamilton to render obvious the claimed invention. Applicant respectfully submits, however, that the alleged combination of references would not teach or suggest each and every feature of the claimed invention.

That is, Larson and Hamilton do not teach or suggest, “a plurality of external networks... wherein said mobile communication network comprises means for offering virtual networks that correspond to each said external network,” (emphasis added by Applicant) as recited in independent claim 2, and similarly recited in independent claim 6.

Serial No. 10/512,144
Docket No. NEC03P013-Sib

Larson, as set forth above in section A, fails to teach or suggest the claimed invention. Moreover, Applicant submits that Hamilton fails to make up the deficiencies of Larson.

Indeed, Hamilton discloses a packet filtering service and a network based firewalls (paragraph 95). Hamilton, however, is silent about, and fail to teach or suggest, "a plurality of external networks... wherein said mobile communication network comprises means for offering virtual networks that correspond to each said external network," (emphasis added by Applicant) as recited in independent claim 2, and similarly recited in independent claim 6.

Indeed, the Examiner does not even allege that Hamilton teach or suggest these features. The Examiner merely relies on Hamilton for allegedly teaching a control/management network.

Since Hamilton does not overcome the deficiencies of Larson, the combination of references fails to render the rejected claims obvious.

Furthermore, Applicant submits that the Examiner has failed to show the motivation to combine each alleged feature of Hamilton with teachings of Larson (e.g., see Office Action at page 13, lines 13-17). The Examiner merely refers to means for refusing of Hamilton and fails to address the other missing features of Larson, including means for control and management, and packets for control and management that allegedly are disclosed in Hamilton.

Indeed, the Examiner has failed to respond to the Applicant's argument presented on page 12, lines 6-11 of the Amended filed on June 26, 2008, regarding the above-mentioned motivation to combine Larson with Hamilton (see Office Action at page 3, line 17- page 4, line 1). Indeed, it appears that the Examiner has failed to complete the response sentence (see Office Action at page 4, line 1). Accordingly, Applicant respectfully submits that the Examiner's response is incomplete.

Moreover, Applicant submits that the alleged packet-filtering in paragraph 95 of Hamilton, upon which the Examiner bases his rejection, is different from the packet-filtering that is performed among virtual networks that correspond to external networks in the claimed invention. Therefore, Hamilton fails to teach or suggest the packet-filtering as recited in claims 5 and 9-13.

Indeed, the Examiner has failed to respond to the Applicant's argument presented on page 12, lines 12-16 of the Amended filed on June 26, 2008, regarding the lack of teachings

RECEIVED
CENTRAL FAX CENTER

NOV 25 2008

Serial No. 10/512,144
Docket No. NEC03P013-Sib

of the above-mentioned feature in Hamilton (see Office Action at pages 2-4). Accordingly, Applicant respectfully submits that the Examiner's response is incomplete.

Therefore, Applicant respectfully submits that Larson in view of Hamilton does not teach or suggest (nor render obvious) each and every feature of the claimed invention. Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw this rejection.

III. FORMAL MATTERS AND CONCLUSION

Applicant requests that the finality of the rejection of the latest Office Action be rescinded as premature, since the Examiner has failed to provide a complete response to Applicant's traversal, as required in MPEP § 707.07(f) (e.g., see Amendment filed on June 26, 2008 at page 10, line 27 – page 11, line 3; page 12, lines 6-11; page 12, lines 12-16, and Office Action at pages 2-4).

In view of the foregoing, Applicant submits that claims 1-13, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

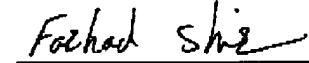
RECEIVED
CENTRAL FAX CENTER

NOV 25 2008

Serial No. 10/512,144
Docket No. NEC03P013-Sib

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date: 11/25/08Farhad Shir, Ph.D.
Registration No. 59,403Sean M. McGinn, Esq.
Registration No. 34,386

**MCGINN INTELLECTUAL PROPERTY
LAW GROUP, PLLC**
8321 Old Courthouse Road, Suite 200
Vienna, Virginia 22182-3817
(703) 761-4100
Customer No. 21254

FACSIMILE TRANSMISSION

I hereby certify that I am filing this paper via facsimile, to Group Art Unit 2416, at (571) 273-8300, on November 25, 2008.

Respectfully Submitted,

Date: 11/25/08Farhad Shir, Ph.D.
Reg. No. 59,403Sean M. McGinn, Esq.
Reg. No. 34,386